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CHANNEN RAY OZELL SMITH,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 24-CV-0077-SEH-MTS
	)	
MARGARET GREEN, Warden	)	
	)	
Respondent.	)	

Jenny West
743 E Anamosa St
Rapid City, SD 57701

June 10, 2024

Honorable Judge Sara E Hill
United States District Court, N.D. of Oklahoma
33 W 4th St # 411, Tulsa, OK 74103

Re: Habeas Corpus Decision for Channen Smith, Case No. 24-CV-0077-SEH-MTS

Dear Honorable Judge Hill:

I am writing on behalf of Channen Smith. My name is Jennifer West and I am a law student in South Dakota and I do volunteer work on wrongful conviction cases from around the United States as a way to help develop my legal skills and legal writing. I also do it because the Justice System was designed to give justice and justice takes on many features. It goes without saying that wrongful convictions happen all the time. They result from malice prosecution, bad policing, racial bias, public pressure and many more reasons. In order to obtain justice, we must then also provide justice to those wrongfully convicted. Justice is not keeping someone innocent locked up for 50-60 years and then paying them restitution. Justice is freeing a person when there is proof beyond a reasonable doubt that the person is innocent and, had the prosecutor not committed Brady Violations amongst other things, the accused would never have been convicted. I believe it was Bryan Stevens who said, "It is much harder to do what is right than to do what is easy." I know the fear of public outcry and political correctness often play a part, but society is owed nothing when the innocent are the ones being crucified.

It is said that Oklahoma only has five civilized tribes which are the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles. **{Handbook of Federal Indian Law, pg, 425 chpt, 23} {1942}**. This is, however, incorrect. Many other tribes live there as well. The Cheyenne, Arapaho, Apache, Comanche, Kiowa, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo and Pottawatomi.

Due to an error by a congressman who drafted an Amendment which did not mention any Indians of Indian Territory except the five civilized tribes, this was how the State of Oklahoma was carved out.

{Handbook on Federal Indian Law, pg. 425 and see Leupp, The Indian and His Problem.} {1910} pg. 206. See **Act of June 18, 1934, sec. 13, 48 Stat. 984, 986**, which excluded from its provisions these tribes in the State of Oklahoma. The tribes in Oklahoma number not less than 100,000 in {in 1942} members.

When you look back on The Supreme Court case of **Morris V. Hitchcock, 194, U.S. 384, 388-389, (1904)**, per Mr. Justice White spoke the following: "It is the duty of the United States to protect the Indians from other Indians and Whites who are not otherwise subject to their laws has also been recognized. **Arts 7 and 14, Treaty June 22nd, 1855, 11 Stat. 611; Art 8 Treaty April 28th, 1866 14 Stat. 769.**

This goes to show that the case of Channen Ray Ozell Smith and any parties pertaining to the case were, in fact, on the reservation and the State never had Jurisdiction. The laws governing Oklahoma are the laws of the Reservations in Oklahoma. The only reason the State ever came to be is because the whites who commandeered the land illegally, courtesy of President Andrew Jackson. Jackson wanted the land for the richness it provided and allowed Whites to settle illegally. Then when Oklahoma became Statehood, they continued encroaching on the lands of the Natives who were otherwise Sovereign. The treaty of 1866 was never abolished, only disobeyed and disregarded for encroachment.

In 2020, the Supreme Court ruled that three million acres would be returned to the Creek Nation or Muscogee Indians. This includes Tulsa. (https://news.asu.edu/20230123-arizona-impact-professor-examines-court-ruling-returned-3-million-acres-native-american). This case proved once again that Oklahoma is governed by the Tribes as this land is Reservation land.

Due to the Treaty of 1866 never being abolished, only violated and broken, the State has no jurisdiction over the said case of Channen Ray Ozell Smith. Which Oklahoma recognized in the book "A Promise Kept: The Muscogee (Creek) Nation and McGirt v. Oklahoma. In this book the state acknowledged Tulsa is Federal Indian Land and the laws governing the Reservation also govern Tulsa.

This also applies to the Federal Violation of the Brady Rule see **Brady v. Maryland, 373 U.S. 83 (1963) Brady v. Maryland No. 490 Argued March 18-19, 1963 Decided May 13, 1963 373 U.S. 83.** The Supreme Court declared prosecutors are required to disclose material exculpatory evidence in the government's possession favorable to the defense which could reduce culpability of defendant or credibility of

an unfavorable witness. This violation shows itself when the state dropped especially heinous crimes against said witnesses. The case against witness Brandon Savage **Case NO. CF-2012-5017 of State V. Brandon Savage** in the rape of a one Ebony Louise Evans in exchange for his perjured testimony. The State also failed to notify Miss. Evans that the charge would be dismissed. This became a Brady Violation when the witness was asked "if he was given anything in exchange for his testimony," to which he replied "no." When in fact the rape charge *was* dropped.

If this is not enough evidence, we can look at the police reports, jailhouse interview with Brandon Savage and one of the Private Investigators and all the perjured testimony. For example, in the interview with the private investigator, Savage goes on to accidently admit that the victim, Jasper, never told his mom that "Channen aka Cross" was the killer. That Savage was, in fact, the one who told the mom that. Savage goes on to admit that he told "everyone" what to say on the night of the killing. He does so on word from one Carlemeisha Martell Jefferson, the other said witness in Channen's case. Jefferson and Savage concoct this story as Jefferson, who is a (lesbian) had seen Channen with Sabrina Schrader, who Jefferson had an interest in. Jefferson admits jealousy and decides that Channen will pay the price for stepping on her turf with Sabrina.

From here, Savage and Jefferson go on to get charges dropped or reduced without notifying the defense. This creates Brady Violations. Then we see perjured testimony from fake stories made up by the witness and the prosecutor. We see sworn affidavits lied on and witnesses on the stand lie and perjure testimony to get the prosecutor's story that was concocted to fit witness testimony since *no physical evidence* is present that ties Channen to the murder of Jasper.

Then a little further down the road (2019), we have a witness who comes forward and corroborates the actual medical evidence and story from the actual killer. The confessed killer, Arrlan Young, who committed the murder of Jasper, would die of cancer in 2017 and tell at least two different people the actual story. The case of People v. Cord, supra, 157 Cal. 562, 566, https://casetext.com/case/people-v-cord states a person doesn't have to die in a specified time to give the confession probative force. A dying declaration is deemed acceptable when a person believes death to be imminent and when no fear of prosecution exists. Under the Rule of Evidence 804 (b) (2) a dying declaration is the exception to the rule of hearsay WEX

Cornell Law School Library. Therefor when the actual killer confessed, he killed Jasper upon being made aware death was imminent and he is being unable to be prosecuted would still apply as a confession and as evidence.

It is my sincerest request that your honor look at all the evidence provided and free Channen Ray Ozell Smith from incarceration. I appreciate you taking the time to read my letter.

Respectfully,

Jennifer West, law student

Shelley Davis on behalf of Jenny West
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